

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONI LYN SPARCK,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 11-10521
Honorable Patrick J. Duggan

OPINION AND ORDER

On February 9, 2011, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for social security benefits. On February 10, 2011, this Court referred the lawsuit to Magistrate Judge Michael Hluchaniuk for all pretrial matters proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 3.) The parties subsequently filed cross-motions for summary judgment. On August 23, 2012, Magistrate Judge Hluchaniuk issued his R&R recommending that this Court grant Plaintiff's motion, deny Defendant's motion, and remand the matter pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. (ECF No. 18.)

In his R&R, Magistrate Judge Hluchaniuk concludes that the Administrative Law Judge erred in his evaluation of Plaintiff's mental and cognitive impairments. (*Id.* at 21-24.) At the conclusion of the R&R, Magistrate Judge Hluchaniuk advises the parties that

they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 26.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*, citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Hluchaniuk. The Court therefore adopts Magistrate Judge Hluchaniuk’s August 23, 2012 Report and Recommendation.

Accordingly,

IT IS ORDERED, that Plaintiff’s motion for summary judgment is **GRANTED**;

IT IS FURTHER ORDERED, that Defendant’s motion for summary judgment is **DENIED**;

IT IS FURTHER ORDERED, that this matter is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the R&R.

Dated: September 12, 2012

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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Magistrate Judge Michael Hluchaniuk